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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes fields for EXAMINER (EDWARDS, NEWTON O), ART UNIT (1774), PAPER NUMBER, NOTIFICATION DATE (09/19/2007), and DELIVERY MODE (ELECTRONIC).

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No. 10/697,561	Applicant(s) GRAFENAUER, THOMAS	
Examiner N Edwards	Art Unit 1774	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 June 2007.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) 6-13, 17 and 18 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3, 19-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

1. Applicant's arguments filed 6/1//07 have been fully considered but they are not persuasive.

Applicant urges on one hand that 1) Applicant representative does not possess English Language translations of the 1449 document but submits that the relevance of these documents is apparent from the figures and drawings.

Interesting statement. Your request to have the lined reference considered in the IDS is denied since most of the lined references do not have drawings and the references with drawings are not in English. Once again, regarding the returned IDS of 1/13/06, the lined references were not considered since applicant failed to comply with 37 CFR rule 1.98 by not providing a statement of relevance for each foreign reference not in English.

Thus the issue is moot.

Applicant concludes that 2) "at least one paper free layer ..." of claim 21 is supported by the spec at page 3 lines 12-13 (the paper is eliminated) and page 4, lines 7-8 (the absence of paper layer).

Claim 21 states "at least one paper free layer of transparent resin", which means the other layers in the wood fiberboard can have paper. But according to applicant, your spec stated supra there is **no paper is present** in the wood fiberboard. Thus, The New Matter rejection is maintained.

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Applicant urges that 3) Eisermann does teach claim 1 recites a support board made of HDF MDF or chipboard wherein a decoration is printed on topside of the support board.

Where are you looking in Eisermann to come to the above conclusion? Col.3 line 21 of Eiserman states apply decorative layer to the top of the support plate 5. Col.4 line 18-20 of Eisermann state the support plate is made from HDF, MDF, particle board (chip board) etc. The forgoing is shown in Fig 1 and in claims 9,8, and 6 for example.

Applicant concludes 4) it is clear that the support plate 5 does not have a decorative printed on its top surface.

Really, even when claim 8 states the decorative layer is applied to the top of the supporting plate 5 by printing (claim 9).

Applicant urges that in fact 5) the melamine layer (transplant layer) 9b is disposed between the topside of the support plate 5 and the decorative layer 4.

Applicant has failed to provide any citation in the reference to support his interesting conclusions. Fig 1 shown the transparent layer 2 (melamine layer free of paper layer as in claim 21) over the decorative layer 4 printed on the top of the support plate 5. See above and claim 8.

Applicant urges that 6) only support plate 5 is made of MDF however, the support plate 5 does not have a decoration printed onto its topside.

See above answers to a argument 3,4,and 5 for a response. Since the arguments for claim 21 is the same as claim 1 supra no further response is deemed necessary.

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to for failing to provide support for the of invention as is now claimed.

The specification as filed fails to support 1) Claim 21, Line 4 "at least one paper free layer...".

Claims 21-22 are rejected under 35 USC 112, first paragraph, for the reason(s) given in the objection above.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 19-22 are rejected under 35 U.S.C. 102(a or e) as being clearly anticipated by Eiserman (US 6,568,148) alone or optionally taken with Vogel (US 7,171,998) or Maes (5,882,569) for reasons of record and above. .

4. Claims 4, 5, and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

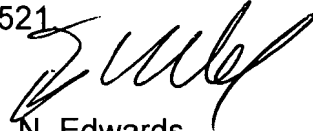
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The cited patent discloses the state of the prior art.

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Any inquiry concerning this communication should be directed to Primary
Examiner Edwards at telephone number 571-272-1521



N Edwards
Primary Examiner
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